

Remarks

Claims 1-13 and 25-27 are pending in this application, all of which stand rejected under 35 U.S.C. Section 103(a). Applicant respectfully traverses the rejection of all of these claims under 35 U.S.C. Section 103(a) for the following reasons.

Claims 1 and 3-6 stand rejected under 35 U.S.C. Section 103(a) in view of the proposed combination of DE 2900 672 A1 (the '672 reference) and U.S. Patent 5,896,659 to Barnes (the Barnes patent). The Barnes patent is fully familiar to applicant as it was commonly assigned with the present invention and identified in applicant's original Information Disclosure Statement. Barnes fails to meet the requirement of simultaneously bending a tube at a second point and at an intermediate point while rotating the intermediate point about the second point. In this regard the bending points of Barnes are not the axis of rotation.

With regard to the '672 reference, applicant disagrees with the Examiner's analysis in that the rotational points of the '672 reference (identified by reference numeral 4 in the drawings of the '672 reference) differ from the bending points of the '672 reference (the bending points associated with reference numerals 18, 19, 20, 13, 15, 14 and 12). Consequently, the '672 reference does not meet the requirements of simultaneously bending the tube at the second point and at the intermediate point while rotating the intermediate point about the second point. The points of rotation and the points of bending are simply different in the '672 reference.

Since each reference lacks this same requirement, the combination of Barnes and the '672 reference does not disclose these claimed requirements. Additionally, the '672 reference creates somewhat of an accordion pleated arrangement wherein a pipe lies in two dimensions whereas Barnes is wrapping spine fin tubing around an axis so as to create a three-dimensional box-like object. The processes to accomplish this and the resultant products are dissimilar and a person of ordinary skill in the art would not attempt to combine the '672 reference and the Barnes patent to result in the claimed invention

without a strong teaching to overcome these dissimilarities. Such a strong teaching is not present nor is a teaching to supply the above-mentioned deficiencies noted with regard to the Barnes patent and the '672 reference. Consequently, claim 1 is novel and patentable in view of the proposed combination of the German '672 reference and the Barnes patent, whether that combination is taken individually or in combination. Reconsideration and withdrawal of the rejection of claim 1 and its dependent claims is respectfully requested.

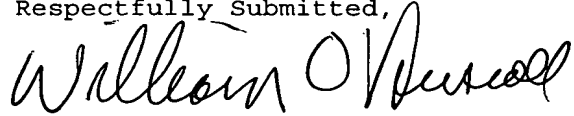
With regard to the rejection of claims 7-13 and 25-27 in view of the proposed combination of the '672 reference, the Barnes patent and U.S. Patent 4,542,568 to Venables, Venables was also identified by applicant in applicant's Information Disclosure Statement and does not disclose or remedy the deficiencies noted above. For the same reasons that claim 1 is submitted to be novel and patentable, claims 8 (now incorporated into claim 7) and 25 are also submitted to be novel and patentable and the arguments with regard to claim 1 are not repeated for the sake of brevity.

Claims 5 and 12 are submitted to have independent novelty and patentability for all of the reasons submitted above and also in that the '672 reference fails to teach rotating the intermediate point about the second point continuously in a first direction as required by these claims. Instead the '672 reference is submitted to have a reciprocating motion. The claims are therefore clearly novel in view of all of the cited references. Moreover, a person of ordinary skill in the art would not attempt to combine the rotational process of Barnes (forming a 3-D coil) with the reciprocating process of the '672 reference (forming a 2-D coil) without a strong and clear teaching to do so. No such teaching is present. Consequently, applicant submits that these claims are independently novel and patentable in view of the cited art of record.

For all of the foregoing reasons, the claims on file are submitted to be independently novel and patentable and reconsideration and withdrawal of the rejections under 35 U.S.C. Section 103 is requested.

In view of the incorporation of claim 8 into claim 7, the claims dependent on claim 8 have been made dependent on claim 7. Additionally, a grammatical error in claim 25 has been corrected. A highlighted copy of the amended claims is attached.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "William O'Driscoll". The signature is fluid and cursive, with the first name "William" being the most prominent part.

William O'Driscoll
Registration No. 33,294

Telephone Number: (608) 787-2538